



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert W. KILLICK et al.
Title: ADJUVANT COMPOSITION FOR
CHEMICALS USED IN AGRICULTURE
Appl. No.: 09/831,301
International Filing Date: 05/05/2000
371(c) Date: 5/8/2001
Examiner: Alton Nathaniel Pryor
Art Unit: 1616
Confirmation Number: 2790

ELECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Office Action (requirement for election of species) dated June 28, 2006, in the above-captioned application.

Applicants hereby provisionally elect the following species: fatty amine oxides and mixtures thereof.

Claims 35-38 are readable on the elected species.

Claims 35-38 are generic.

The requirement for election of species is traversed for the following reasons.

The Office contends that a new search is required for claims 35-38 for the subject matter of “fatty dimethylamine salts of simple organic salts” and “mineral oil”.

Applicants submit that unity of invention exists in claims 35-38. The invention as described in the specification relates to uses of cationic emulsifiers or emulsifiers having cationic properties in acidic conditions generally to provide the solubility results achieved. This common feature of the two species, cationic emulsifiers or emulsifiers having cationic properties in acidic conditions, provides unity to the restricted claims 35-38. Accordingly, restriction would be improper.

Applicants note that the Office has already searched for the subject matter of “fatty amine oxides and mixtures thereof” and “fatty quaternary ammonium chlorides”. Applicants conclude that, absent “fatty dimethylamine salts of simple organic salts”, the subject matter of the elected species “fatty amine oxides and mixtures thereof” and the subject matter of “fatty quaternary ammonium chlorides” would not require restriction.

Given that the Office has already conducted a search for the relevant subject matter, Applicants further note that claims 35-38 directed to these two classes of cationic emulsifiers -- “fatty amine oxides and mixtures thereof” and “fatty quaternary ammonium chlorides” -- (and mixtures thereof) should be allowable.

On that basis Applicants are willing to delete from the claims “fatty dimethylamine salts of simple organic salts”.

If the Office agrees that claims 35-38 would be allowable upon deletion of “fatty dimethylamine salts of simple organic salts”, Applicants request notification thereof in the next Office Action. Alternatively, upon the Office’s determination that the remaining subject matter of claims 35-38 would be allowable, Applicants hereby authorize the Office to delete “fatty dimethylamine salts of simple organic salts” by Examiner’s Amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 27, 2006

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